IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. 3433-M of 2007

DATE OF DECISION:06.03.2007

Balwinder Singh @ Kala .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Ms. G.K. Mann, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

Shri Veneet Sharma, Advocate
for the complainant.

****

The petitioner has filed this petition under Section 439 Cr.P.C. for the grant of regular bail in case FIR No. 24 dated 6.2.2006 under Sections 307,302,324,323,148,149 IPC and Sections 25,27,54,59 of Arms Act, registered at Police Station Valtoha District Tarn Taran.

I have heard counsel for the parties and gone through the contents of the FIR.

As per the prosecution version, Gurpinder Singh is the main accused, who allegedly fired at deceased Bohar Singh, which hit on his abdomen due to which he died. The said accused is in custody. In the said occurrence, petitioner and co-accused Balwinder Singh and Ajay Pal Singh alleged to have participated. Co-accused Balwinder Singh was armed with Kirch, whereas, petitioner and Ajay Pal Singh were armed with dang. It is further alleged that the petitioner along with co-accused Balwinder Singh and Ajay Pal Singh gave kick blows to complainant Kulwinder Singh. As per the MLR all the injuries on the complainant Kulwinder Singh are simple in nature. Undisputedly, in this case no injury

was caused by the petitioner and co-accused Balwinder Singh and Ajay Pal Singh to the deceased. Co-accused Balwinder Singh and Ajay Pal Singh have been granted regular bail by this court vide order dated 12.12.2006 in Crl. Misc. No. 65171-M of 2006 and Crl. Misc. No. 69066-M of 2006. The petitioner, who is similarly situated, is in custody since 10.2.2006. In this case, till date only one witness was examined and thereafter an application under Section 319 Cr.P.C. was filed by the prosecution for summoning Harpreet Singh as an additional accused, who was found innocent by the police during the investigation. The said application was allowed and one witness who was earlier examined is to be recalled.

The aforesaid factual position has not been disputed by counsel for the respondent-State.

Keeping in view the aforesaid facts, without expressing anything on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

March 06, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**